

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
ATTORNEYS AT LAW

WWW.PRICEMEESE.COM

TICE CORPORATE CENTER  
50 TICE BOULEVARD  
SUITE 380  
WOODCLIFF LAKE, NEW JERSEY 07677  
PHONE: 201-391-3737  
FAX: 201-391-9360

4 WEST RED OAKLANE  
SUITE 302  
WHITE PLAINS, NEW YORK 10604

89 HEADQUARTERS PLAZA NORTH  
SUITE 1442  
MORRISTOWN, NJ 07960

PLEASE RESPOND TO WOODCLIFF LAKE OFFICE

September 15, 2021

**VIA OVERNIGHT MAIL AND EMAIL**

Honorable Planning Board  
Township of Washington  
350 Hudson Avenue  
Washington Township, NJ 07676

ATTN: Ms. Grace Kalish

**Re: 34 Maple Avenue, LLC  
Soil Movement Application  
318 Wearimus Road / Block 1101.01, Lot 5.01 & Block 1201, Lot 1**

Dear Mayor Calamari and Members of the Board,

This firm represents 34 Maple Avenue, LLC (“Applicant”) with regard to its Soil Movement application that was approved by the Board on July 7, 2021. Notwithstanding said approval, it is our understanding that the Board failed to adopt the memorializing resolution at the September 1, 2021 hearing. Kindly accept this correspondence as a request to memorialize the approval at the Planning Board’s September 22, 2021 meeting pursuant to N.J.S.A. 40:55D-10(g)(2).

Briefly, N.J.S.A. 40:55D-10(g) governs the adoption of memorializing resolutions by municipal agencies. The statute provides in relevant part:

**(2) A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the municipal agency voted to grant or deny approval... If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney’s fees, shall be assessed against the municipality.**

34 Maple Avenue, LLC  
September 15, 2021  
Page -2-

N.J.S.A. 40:55D-10(g)(2).

The Soil Movement Application was approved on July 7, 2021, therefore setting the deadline for adoption of the memorializing resolution at August 21, 2021. Despite the mandate of N.J.S.A. 40:55D-10(g)(2), the Board has failed to adopt a memorializing resolution. We understand that the Board will consider the resolution again at its next meeting. Please be advised that if the Board fails to adopt the memorializing resolution at the September 22, 2021 meeting, you will leave us no choice but to apply to the Court for an Order compelling that the resolution be adopted, with costs and fees assessed against the municipality.

Thank you for your courtesies in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,  
**Price, Meese, Shulman & D'Arminio, P.C.**

By: Gregory D. Meese  
Gregory D. Meese, Esq.

jag/

cc: Mr. Joseph Berardo